

Forsyth County Department of Public Health

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Annual Report for 2015, referencing Initial Report as Background Guidance:

Initial Report

SL 2014-120 Report Forsyth County Environmental Health Section

Part 1: Standardize Certain Regulatory Review Procedures

Reference Session Law 2014-120, Section 29. (b)

I. On-Site Water Protection (OSWP) Regulatory Submittal

A. Onsite Waste Water Program Regulatory Submittal

Application for Improvement Permit, Construction Authorization for a new system, system repair, or expansion to an existing system submitted according to rule 15A NCAC 18A .1937 (c), (d) and (e).

- i. Site evaluation, permitting, denial, and inspection for operation permit conducted in accordance with 15A NCAC 18A .1900 rules.
- ii. Submitting Party may request review of plans or specifications for sites with unsuitable soil or unsuitable characteristics or for drainage systems to serve two or more lots submitted by engineers or consultants prior to issuing IP/ATC according to rule 15A NCAC 18A .1938 (c) by the Regulatory Authority.
- iii. Submitting Party may request to review or be required to submit plans submitted by an engineer for systems required to be designed by a profession engineer (PE) according to rule 15A NCAC 18A .1938 (d), (h) and (i) by the Regulatory Authority.
- iv. Regulatory Authority will request State Regulatory Authority review in accordance with 15A NCAC 18A .1900 rules and State Law (see SL 2014-120 Report DHHS DPH EHS) where required by 15A NCAC 18A .1900 rules.

B. Private Wells Program Regulatory Submittal

- i. Application to construct, repair or abandon a private drinking water well submitted according to rule 15A NCAC 02C .0303.
- ii. Site evaluation, permitting, denial, inspection and water sampling conducted in accordance with 15A NCAC 02C rules and 15A NCAC 18A .3800 rules.

C. Migrant Housing Preoccupancy Inspection Regulatory Submittal

- i. Applications for Pre-occupancy inspections are received and processed according to GS 95-226(a), otherwise known as the Migrant Housing Act of North Carolina.

II. Public Swimming Pools Regulatory Submittals

Applications are received and processed according to General Statutes 130A-280 through 130A-282, 15A NCAC 18A .2509 Plan Review and Approval and 15A NCAC 18A .2510 Public Swimming Pool Operation Permits

Part 1B: Food, Lodging and Institution Section: Standardize Certain Regulatory Review Procedures

Reference Session Law 2014-120, Section 29(b).

Background: The Food, Lodging and Institution (FLI) section reviews plan submittals for individual food establishments that operate only within Forsyth County and are not a chain establishment.

- A. Design plans and applications for Food Protection Regulatory Submittals are received and processed according to General Statute 130A-248 Regulation of food and lodging establishments, General Statute 130A-250 Exemptions, 15A NCAC 18A .2658 Compliance and Enforcement and 15A NCAC 18A .2659 Permits and;
 - 1. A standard Plan Review Application form is provided to the Submitting Party to assure all needed information is provided in order for approval.
 - 2. The submitted plans and application are reviewed to determine compliance with the requirements of 15A NCAC 18A .2600 and the North Carolina Food Code
 - 3. A written response is provided to the Submitting Party that includes:
 - a. An approval of the submitted plans and application or
 - b. A request for revisions that include:
 - (a) A section detailing any required revisions with citation of applicable statute or rule(s);

- (b) A section detailing any suggested or recommended revisions based upon current knowledge base (guidance, manuals or standards of practice).
- c. A request for additional information that includes:
 - (a) A section detailing any required additional information with citations of applicable statute or rule(s) and;
 - (b) A section detailing any suggested additional information based upon current knowledge base (guidance, manuals, or standards of practice).

Part 2A: Informal Review Process and Procedures to Develop and Maintain a List of Review

Engineers for OSWP

Reference Session Law 2014-120, Section 29. (c).

- I. Informal Internal Review Process: North Carolina Session Law 2014-120, Section 29(c) identifies two circumstances that allow a Submitting Party to request an Informal Internal Review of the Local Health Department (LHD) or (OSWP) Branch review:
 - a. The Regulatory Submittal includes a design or practice sealed by a PE that is not included in the Regulatory Authority's existing guidance, manuals or standard operating procedures.
 - i. LHD Staff review the Regulatory Submittal.
 1. If requested by the Submitting Party, informal review will be conducted by
 - a. Reviewer's supervisor or,
 - b. A staff engineer (NC licensed PE) or,
 - c. OSWP Branch
 2. If neither the LHD nor OSWP Branch employs a NC licensed PE that is qualified and competent to perform the review, then:
 3. Review may be provided by a consulting NC licensed PE selected from a list developed and maintained by the Regulatory Authority in accordance with Article 3D of Chapter 143 of the North Carolina General Statutes.
 4. The Regulatory Authority may charge the Submitting Party for costs of the review by the consulting NC licensed PE.

5. The OSWP Branch will notify the LHD, the Submitting Party and other applicable parties of the decision reached during the Informal Internal Review process.
 6. The LHD will notify the Submitting Party and other applicable parties of the decision reached during the Informal Internal Review process.
 7. The LHD has the authority to make the final decision, even if review of the Regulatory Submittal is conducted by a consulting NC licensed PE.
- b. There is a disagreement between the reviewer of the Regulatory Submittal and the Submitting Party regarding whether statute or other regulatory authority mandates the revisions or requests for additional information made by the Regulatory Authority.
 - i. In these cases, the Regulatory Authority will conduct an informal hearing with one of the following groups, as appropriate:
 1. A review panel including the Environmental Health Director/Community Health Services Administrator or their designee, LHD personnel, County Legal Department Representatives, Stakeholders representative(s) chosen by the Submitting Party and others as appropriate.

II. Procedure For Developing and Maintaining a List of PEs for Informal Internal Reviews

- a. Forsyth County Environmental Health Section will look to OSWP Branch for list of PE's for informal reviews in accordance with SL 2014-120 Report DHHS DPH EHS Part 2A, IV. Procedure for Developing and Maintaining a List of PE's for Informal Internal Reviews.
- b. Forsyth County Environmental Health Section will use OSWP Branch website for this list in accordance with SL 2014-120 Report DHHS DPH EHS Part 2A, IV, F.

**Part 2B: Informal Review Process and Procedures to Develop and Maintain a List of
Review
Engineers for Public Swimming Pools**

Reference Session Law 2014-120, Section 29. (c).

- I. This guidance is applicable to Regulatory Submittals which may be submitted by an engineer or architect for public swimming pools.
 - a. When plan approval is not granted on a submittal, the submitting party is notified of which rules are not met and what problems need to be corrected upon re-submittal.
 - b. If re-submittal does not fully comply with the rules, the process of re-submittal may be repeated or notification will be given that the plans are not approved and what rules are not met.
 - c. If the Submitting Party requests an Informal Internal review of a sealed engineered design, the submittal will be reviewed by the Environmental Health Supervisor for compliance with NCGS 130A 280-282 and 15A NCAC 18A.2500. If there is no resolution the request for Informal Review will be forwarded to the FPF Branch in accordance with Part 2A Section III of the State report.
- II. Procedure For Developing and Maintaining a List of PEs for Informal Internal Reviews
 - a. Forsyth County Environmental Health Section will look to the FP Branch for a list of PE's for informal reviews in accordance with SL 2014-120 Report DHHS DPH EHS Part 2B, III. Procedure for Developing and Maintaining a List of PE's for Informal Internal Reviews.
 - b. Forsyth County Environmental Health Section will use FPF Branch website for this list in accordance with SL 2014-120 Report DHHS DPH EHS Part 2B, IV.

Part 2B: Food, Lodging and Institution Section: Informal Internal Review Processes and Procedures to Develop and Maintain a List of Review Engineers

Reference Session Law 2014-120, Section 29(c).

- I. If a Submitting Party requests an Informal Internal Review of an engineered design or process, the request will be forwarded to the State in accordance with Part 2B Section II of the State report.
- II. Procedure For Developing and Maintaining a List of PEs for Informal Internal Reviews

- A. Forsyth County Environmental Health will utilize the FPF Branch list of PE's for informal reviews in accordance with SL 2014-120 Report DHHS DPH EHS Part 2B, Section III Procedure for Developing and Maintaining a List of PE's for Informal Internal Reviews.
- B. Forsyth County Environmental Health will use Food Protection and Facilities Branch website for this list in accordance with SL 2014-120 Report DHHS DPH EHS Part 2B, Section III.
- C. The Regulatory Authority may charge the Submitting Party for costs of the review by the consulting NC licensed PE.

**Part 3A: Forsyth County Department of Public Health, Division of Environmental Health,
Review of
Working Job Titles**

Reference Session Law 2014-120, Section 29. (h).

- I. Review the Working Job Titles of every employee with job duties that include the review of Regulatory Submittals.
- I. The Forsyth County Department of Public Health, Division of Environmental Health, has researched all Job Titles of staff members that review Regulatory Submittals for sanitary systems of sewage treatment and disposal that are prepared, signed and sealed by a Professional Engineer and determined no Job Titles include the term "engineer". All positions and titles subject to review Regulatory Submittals are listed below:
 - A. Environmental Health Director/Community Health Services Administrator
 - B. Environmental Health Supervisor
 - C. Environmental Health Specialist

**Part 3B: Forsyth County Department of Public Health, Division of Environmental Health,
Review of
Working Job Titles**

Reference Session Law 2014-120, Section 29. (h).

- I. Review the Working Job Titles of every employee with job duties that include the review of Regulatory Submittals.

- II. The Forsyth County Department of Public Health, Division of Environmental Health, has researched all Job Titles of staff members that review Regulatory Submittals for Public Swimming Pools that are prepared, signed and sealed by a Professional Engineer and determined no Job Titles include the term “engineer”. All positions and titles subject to review Regulatory Submittals are listed below:

Environmental Health Director/Community Health Services Administrator

Environmental Health Supervisor

Environmental Health Specialist

Part 3B: Food, Lodging and Institution Section: Review of Working Job Titles

Reference Session Law 2014-120, Section 29(h).

- III. The working titles and position descriptions of all Forsyth County staff who review Regulatory Submittals for the Food, Lodging and Institution Section were reviewed. No Environmental Health positions have engineer in the title or as a minimum requirement for the job. All positions and titles subject to review Regulatory Submittals are listed below:

A. Environmental Health Director/Community Health Services Administrator

B. Environmental Health Supervisor

C. Environmental Health Program Specialist

D. Environmental Health Specialist

Annual Report 2015:

Section 29.(j) Annual Report requirement to ERC of informal review process, number of times utilized and an outcome of the review.

Informal Internal Review Process: As required in Session Law 2014-120 29.(c), the Forsyth County Department of Public Health, Division of Environmental Health has had no Informal Internal Review requests.